

Remarks

Claims 1 to 29 have been canceled. Claim 30 has been amended. Claims 34 – 42 have been added. Claims 30 - 42 are pending.

Allowable claim

The Patent Office has acknowledged that original claim 32 is allowable. Applicants have combined original claims 30 and 32 and presented the combination as new claim 34.

Obviousness Type Double Patenting

Claims 30, 31, and 33 were provisionally rejected under the judicially created doctrine of obviousness type double patent over claims 1 and 17 of copending Application No. 09/834,471. The Patent Office submits: that both applications claim a kit comprising an image transfer medium and a composition including a hydrophobic dispersion and a mordant dispersion (i.e., multivalent metal ion); that the '471 application discloses a microembossed image transfer medium; and that there appears to be no apparent reason why Applicants would be prevented from presenting claims corresponding to those of the instant application in the other copending application.

Application No. 09/834,471 is now abandoned. Accordingly, the above rejection is moot.

§ 102 Rejections

Claims 30 and 31 were rejected under 35 USC § 102(e) as being anticipated by Shaw-Klein et al. (US 6,036,808). The Patent Office submits: that Shaw-Klein et al. disclose a low heat transfer material formed by providing a support having release properties and coating the film with an ink-receptive coating composition; that the support is equivalent to Applicants' transfer film; and that the ink-receptive composition is equivalent to Applicants' mordant and hydrophobic material dispersions – it comprises a hydrophobic polymer such as styrene butadiene and a mordant dispersed in an aqueous medium.

Applicants' invention as now claimed in claim 30 is a kit for providing a durable image on a substrate that comprises an image transfer medium aqueous mordant dispersion, and dispersed hydrophobic material, wherein the aqueous mordant dispersion, and dispersed hydrophobic material are separate from the image transfer medium.

Shaw-Klein et al. disclose an ink-receptive element for transferring images to fabric at a temperature between 170 °C and 100 °C. Shaw-Klein et al.'s ink-receptive element transfers images through using an ink-receptive material that is coated on a substrate having a release material. The ink-receptive material contains a film-forming binder, and may also include a crosslinker for the binder, aqueous polymer filler, inorganic particulate filler, and dye mordants.

Shaw-Klein et al. require that mordants and other materials that make up the ink-receptive layer be coated onto the substrate. Applicants' kit as now claimed clarifies that as part of a kit, the aqueous mordant dispersion and the dispersed hydrophobic material are separate from the image transfer medium. For at least this reason, the invention of claims 30 and 31 are novel over Shaw-Klein et al. Accordingly, Applicants respectfully request that the above rejection of claims 30 and 31 be withdrawn.

New Claims

New claim 34 is a combination of original claims 30 and 32.

New claim 35 – 37 are dependent upon new claim 34 and are based on originally presented dependent claims.

New claim 38 is a combination of originally presented claims 30 and 33.

New claims 39-42 are dependent upon new claim 38 and are based on originally presented dependent claims.

Applicants submit that new claims 34-37 are allowable since claim 34 (original claims 30 and 32) has been indicated as allowable.

Applicants also submit that new claims 38 – 42 are allowable since the rejection of original claim 32 (on which new claim 38 is based) has been overcome with the filing of a Terminal Disclaimer.

In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

31 July, 2003
Date

By: 

Scott A. Bardell, Reg. No.: 39,594

Telephone No.: (651) 736-6935

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833